IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.223 OF 2002

...

Mr.Yudhistir Jamnadas Asher ...Petitioner

v/s.

Mr.Ranjit Jamnadas Ved
and ors. ...Respondents

...

Mr.D.A. Nalawade for the Petitioner.

Mr.V.M. Vaghela for Respondent No.1.

...

CORAM: D.K.DESHMUKH, J.

DATED: 9TH FEBRUARY,2005

P.C.:

By consent of the parties the petition is disposed of in following terms.

(i) The award of the arbitral tribunal challenged in the petition is set aside.

(ii) Pursuant to the arbitration clause between the parties in the partnership deed, Shri S.R. Shah, Retired Judge (City Civil Court), R/o Gokul Building, 2nd floor, Behind Milap Cinema, S.V. Road, Kandivali (West), Mumbai, is appointed as the sole-arbitrator. The disputes which are raised by the Respondent No.1 in his statement of claim are referred to the sole-arbitrator for decision in accordance with law.

(iii) It is clarified that the parties shall be entitled to raise all objections that may be available to them under the law before the Arbitrator, including existence of the arbitration clause, limitation etc.

(iv) Parties may move the learned Arbitrator for filing additional claim statement and additional defence statement. Those applications be considered and decided by the Arbitrator in accordance with law.

Petition disposed of.

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